

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Brendan Atwood	Team: Team # 1	CCRB Case #: 200912901	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 08/02/2009 12:15 AM	Location of Incident: § 87(2)(b)	Precinct: 28	18 Mo. SOL 2/2/2011	EO SOL 2/2/2011	
Date/Time CV Reported Wed, 08/19/2009 4:03 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 08/19/2009 4:03 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POF Lindsay Walker	13062	947592	028 PCT
2. POF Taiwo Adeleke	02404	946662	028 PCT
3. SGT John Tancredi	01061	924537	028 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Lawrence Thomas	23859	947541	028 PCT
2. POM Alexander Pimentel	25632	947825	028 PCT
3. SGT Robert Ellington	04971	902755	028 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Taiwo Adeleke	Abuse: PO Taiwo Adeleke stopped § 87(2)(b)	§ 87(2)(b)
B.POF Taiwo Adeleke	Discourtesy: PO Taiwo Adeleke spoke obscenely to § 87(2)(b)	§ 87(2)(b)
C.POF Taiwo Adeleke	Abuse: PO Taiwo Adeleke searched § 87(2)(b)	§ 87(2)(b)
D.POF Lindsay Walker	Abuse: PO Lindsay Walker refused to provide her name and shield number to § 87(2)(b)	§ 87(2)(b)
E.SGT John Tancredi	Abuse: Sgt. John Tancredi refused to provide his name and shield number to § 87(2)(b)	§ 87(2)(b)
F.POF Taiwo Adeleke	Abuse: PO Taiwo Adeleke refused to provide her name and shield number to § 87(2)(b)	§ 87(2)(b)
G.POF Taiwo Adeleke	Discourtesy: PO Taiwo Adeleke spoke obscenely to individuals.	§ 87(2)(b)
H.POF Taiwo Adeleke	Abuse: PO Taiwo Adeleke threatened § 87(2)(b) with the use of force.	§ 87(2)(b)
I.POF Taiwo Adeleke	Force: PO Taiwo Adeleke tightly handcuffed § 87(2)(b)	§ 87(2)(b)

Case Summary

§ 87(2)(b) called the CCRB on August 19, 2009, and filed this complaint (encl. 4A-C).

On August 2, 2009, at approximately 12:15am, PO Taiwo Adeleke of the 28th Precinct and her partners arrested § 87(2)(b) for § 87(2)(b) in front of § 87(2)(b) in Manhattan. The following allegations resulted:

- **Allegation A – Abuse of Authority:** PO Taiwo Adeleke stopped § 87(2)(b) § 87(2)(g)
- **Allegation B – Discourtesy:** PO Taiwo Adeleke spoke obscenely to § 87(2)(b) § 87(2)(g)
- **Allegation C – Abuse of Authority:** PO Taiwo Adeleke searched § 87(2)(b) § 87(2)(g)
- **Allegation D – Abuse of Authority:** PO Lindsey Walker refused to provide her name and shield number to § 87(2)(b) § 87(2)(g)
- **Allegation E – Abuse of Authority:** Sgt. John Tancredi refused to provide his name and shield number to § 87(2)(b) § 87(2)(g)
- **Allegation F – Abuse of Authority:** PO Taiwo Adeleke refused to provide her name and shield number to § 87(2)(b) § 87(2)(g)
- **Allegation G – Discourtesy:** PO Taiwo Adeleke spoke obscenely to individuals. § 87(2)(g)
- **Allegation H – Abuse of Authority:** PO Taiwo Adeleke threatened § 87(2)(b) with the use of force. § 87(2)(g)
- **Allegation I – Abuse of Authority:** PO Taiwo Adeleke tightly handcuffed § 87(2)(b) § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Results of Investigation

Civilian Statement(s)

Complainant/Victim: § 87(2)(b)

- § 87(2)(b) *is a § 87(2)(b)-old black male who stands 5'7" tall, weighs 175 pounds and has brown hair and brown eyes.*

CCRB Testimony

§ 87(2)(b) was interviewed at the CCRB on September 14, 2009 (encl. 5A-F). At approximately 12:15am on August 2, 2009, § 87(2)(b) was at his home, located at § 87(2)(b) in Manhattan. His wife, § 87(2)(b) called him and told him that she was leaving work in a taxi and would be home in about 10 minutes. After several minutes, § 87(2)(b) noticed a yellow taxi coming down the street, which he assumed was § 87(2)(b)s. He exited the gated stoop and walked onto the sidewalk. As soon as he did so, a marked police van stopped in the middle of the street right in front of him, and two female officers jumped out and approached him. The investigation identified these officers as PO Taiwo Adeleke, and PO Lindsey Walker of the 28th Precinct. A third officer, identified by the investigation as Sgt. John Tancredi, remained inside the police van.

§ 87(2)(b) stopped when he saw the officers and put his hands in front of his chest with his palms open and said to the officers, "I am waiting for my wife, I didn't do anything." PO Adeleke stated, "Shut up, keep your fucking hands behind your back," as she grabbed his left arm with her left hand and twisted it behind his lower-middle back forcefully (**Allegations A and B**). PO Walker grabbed a hold of his other arm. While still holding his arm, PO Adeleke reached into § 87(2)(b)s pants over his underwear, and felt around his crotch area, and grabbed his genitals with one hand. PO Adeleke reached into § 87(2)(b)s pants pockets and removed his wallet, which was all that he was carrying on his person (**Allegation C**). By this time, § 87(2)(b) had approached the officers and was standing next to them.

Sgt. Tancredi stepped out of the police van and approached § 87(2)(b). PO Walker released § 87(2)(b) and stepped back a few steps. PO Adeleke retained a hold of § 87(2)(b)s arm. Sgt. Tancredi told PO Adeleke to release § 87(2)(b) and she did so. Sgt. Tancredi said to § 87(2)(b) "Calm down. Talk to me." § 87(2)(b) said it was wrong for PO Adeleke to touch him like that and then stated one time in a general manner, "How about I get all of your badge numbers?" § 87(2)(b) believed all the officers heard his request. Sgt. Tancredi motioned § 87(2)(b) to come towards the car and replied, "Alright, do you have a pen?" Sgt. Tancredi took out his shield, which was around his neck, from underneath his clothing, and with his finger over the shield number displayed it to § 87(2)(b). As § 87(2)(b) stepped forward to see the shield, Sgt. Tancredi grabbed his arm with one hand and told him to turn around. PO Adeleke grabbed § 87(2)(b)s other arm and applied handcuffs to both wrists. None of the officers provided their shield numbers (**Allegation D, E and F**). About 20-30 people started to gather around the officers and § 87(2)(b) including his brother, § 87(2)(b) and his uncle, § 87(2)(b). PO Adeleke yelled at the crowd, "Back the fuck up" (**Allegation G**). § 87(2)(b) was loaded into the police van, and he sat in the second-to-last row behind another male prisoner. Behind § 87(2)(b) was PO Lawrence Thomas of the 28th Precinct. PO Adeleke sat in the same row as § 87(2)(b). On the way to the station house, PO Adeleke said to § 87(2)(b) "I'm gonna punch you in the face" (**Allegation H**). § 87(2)(b) had no interaction with PO Thomas.

While walking into the station house, PO Adeleke tightened § 87(2)(b)'s handcuffs so they could not be made any tighter, which caused § 87(2)(b)'s wrists to bleed (**Allegation I**). Once inside, § 87(2)(b) stood in front of the desk officer, identified through investigation as Sgt. Robert Ellington. § 87(2)(b) had followed the police to the station house with § 87(2)(b)'s cousin, § 87(2)(b) and her friend who § 87(2)(b) only knows as "§ 87(2)(b)". The three stood at the desk next to § 87(2)(b). PO Adeleke reached into § 87(2)(b)'s pants again, grabbing his genitals over his underwear, and feeling around his crotch area. § 87(2)(b) was then placed into a holding cell with the handcuffs on.

Witness: § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b)-old black female. She is 5'7" tall, weighs 175 pounds, and has brown hair and brown eyes.

CCRB Testimony

§ 87(2)(b) was interviewed at the CCRB on September 23, 2009 (encl. 6A-E). At approximately 12:15 AM, on August 2, 2009, § 87(2)(b) was returning home to § 87(2)(b) in Manhattan after work. She called her husband, § 87(2)(b) and he said that he would wait for her outside. As the yellow taxicab approached her apartment building, she saw § 87(2)(b) standing on the side of the street, next to the sidewalk behind a car parked on the side of the street, near 7th Avenue. § 87(2)(b) was surrounded by about four police officers. § 87(2)(b) exited the taxi, approached the officers and asked them what was going on. At this point, § 87(2)(b)'s brother, § 87(2)(b) and his cousin, § 87(2)(b) came outside and observed the incident from the sidewalk. § 87(2)(b)'s legs were spread apart, he was leaning on the parked car with PO Adeleke holding his arms behind him. § 87(2)(b) was twisting his shoulders from side to side "trying to break free" and saying to PO Adeleke, "get off me." § 87(2)(b) was handcuffed at some point after § 87(2)(b) arrived, but she did not see who cuffed him or when because the officers were surrounding him, blocking her view. § 87(2)(b) did not see any officer frisk or search § 87(2)(b) nor did she hear any officer use profanity. § 87(2)(b) was loaded into the van and taken to the 28th Precinct station house. § 87(2)(b) changed her shoes and then walked to the 28th Precinct station house alone, and arrived no more than 10 minutes after § 87(2)(b) had been arrested.

When she entered the station house, § 87(2)(b) saw PO Thomas and § 87(2)(b) standing in front of the desk. PO Thomas reached into § 87(2)(b)'s pants pockets and removed his wallet. § 87(2)(b) was then taken to the holding cell where PO Thomas removed his handcuffs before putting him inside.

Attempts to Contact Civilians

The investigator scheduled an appointment with § 87(2)(b) for November 14, 2009. However, § 87(2)(b) failed to appear for his scheduled appointment. The investigator re-scheduled § 87(2)(b)'s appointment for November 30, 2009. However, § 87(2)(b) failed to appear for this appointment as well. As a result, § 87(2)(b) was not interviewed for this investigation.

On October 13, 2009, the investigator sent a please-call letter to § 87(2)(b). However, the letter was returned, "insufficient address". § 87(2)(b) and § 87(2)(b) were unable to provide a telephone number for § 87(2)(b) and a search of Whitepages.com, Cole's Directory, and Lexis-Nexis all failed to yield additional contact information for § 87(2)(b). As a result, § 87(2)(b) was not interviewed for this investigation. § 87(2)(b) and § 87(2)(b) were unable to provide any contact information for § 87(2)(b) making it impossible to perform a reasonable search for that information. On October 13, 2009, the investigator spoke with § 87(2)(b) who stated that § 87(2)(b) did not have an

address or telephone number at which he could be reached. § 87(2)(b) stated that he would have § 87(2)(b) call the investigator. However, § 87(2)(b) failed to do so. As a result, § 87(2)(b) was not interviewed for this investigation.

§ 87(2)(b) was identified through investigation as the other individual who had been arrested before § 87(2)(b) and was transported to the station house with him. The investigator sent please-call letters to § 87(2)(b) on October 15, 2009, and October 29, 2009. The investigator called § 87(2)(b) five times between October 19, 2009 and October 29, 2009, but the number was not in service. Searches of Cole's Directory, Whitepages.com, Lexis-Nexis, and a Verizon subpoena all failed to yield additional contact information for § 87(2)(b). As a result, § 87(2)(b) was not interviewed for this investigation.

NYPD Statement(s):

Subject Officer: PO Taiwo Adeleke

- *PO Adeleke is a § 87(2)(b)-old black female with black hair and brown eyes. She is 5'10' tall and weighs 185 pounds.*
- *On August 2, 2009, PO Adeleke was assigned to Conditions, and worked from 1800x0505 with PO Lawrence Thomas, Sgt. John Tancredi and PO Lindsey Walker, who were in uniform and assigned to marked van #8605. PO Adeleke was seated in the back of the van, in the first row on the passenger's side.*

CCRB Testimony

PO Adeleke was interviewed at the CCRB on December 21, 2009, which was largely inconsistent with that of PO Adeleke (encl. 8A-B). On August 2, 2009, at approximately 12:15 AM, PO Adeleke was seated in a marked police van driving at about 15 MPH when she noticed a man, identified as § 87(2)(b) standing in the crosswalk close to the sidewalk on W 119th Street. PO Adeleke noticed a bulge around the right side of § 87(2)(b)'s waist, which she believed to possibly be a weapon of some sort. PO Adeleke could not elaborate on the bulge or indicate why she believed it to be a weapon. § 87(2)(b) was pacing back and forth by the crosswalk and pulling his pants up, which PO Adeleke interpreted as possibly adjusting a weapon. PO Adeleke observed § 87(2)(b) for approximately thirty seconds before the decision was made by Sgt. Tancredi to stop him.

PO Adeleke approached § 87(2)(b) and explained why he was being stopped and asked him several questions. PO Adeleke could not recall what exactly she asked § 87(2)(b). § 87(2)(b) did not give direct answers, which heightened PO Adeleke's suspicions. PO Adeleke felt that § 87(2)(b) may have been intoxicated due to the fact that his eyes were reddish. PO Adeleke decided to check § 87(2)(b) for weapons by frisking him, and informed § 87(2)(b) that he would be frisked. § 87(2)(b) began to yell and become belligerent—using offensive language regarding PO Adeleke's sexuality. PO Adeleke frisked § 87(2)(b)'s waist area, and no contraband was found or recovered from him. PO Adeleke explained why they stopped and frisked § 87(2)(b) and told him to leave the area. § 87(2)(b) refused to leave the area and stated, "Bitch, you look like a man you fucking bitch", among other expletives. § 87(2)(b) then continued to walk into the street, obstructing traffic.

Sgt. Tancredi made the decision to arrest § 87(2)(b) for causing a public nuisance and for being out on the street. § 87(2)(b) was ultimately arrested and charged with § 87(2)(b). PO Adeleke could not recall who approached § 87(2)(b) to arrest him. No force was used to arrest § 87(2)(b). At no point did PO Adeleke or any of the other officers tell § 87(2)(b) to "keep your fucking hands behind your back" or use any profanity. Neither PO Adeleke nor any other officer told § 87(2)(b) "I'm going to punch you in the face". § 87(2)(b)

§ 87(2)(b)'s handcuffs were not tightened after being placed on him. § 87(2)(b) did not ask PO Adeleke or any of the other officers for their names or shield numbers.

At the stationhouse, PO Adeleke stood with § 87(2)(b) at the desk for about a minute, but left before he was taken away from the desk. PO Adeleke did not witness any officer search § 87(2)(b)'s genital area and was not aware of any such search.

Subject Officer: SGT. JOHN TANCREDI

- *Sgt Tancredi is a § 87(2)(b)-old white male, who stands 5'9" tall, weighs 185lbs, and has black hair and brown eyes.*

Memo Book

Sgt Tancredi had the following entries in his memo book regarding this incident: "2350 - 92 x1. AO Thomas. 2355 - 84 at the stationhouse with defendant § 87(2)(b) § 87(2)(b). Intox, § 87(2)(b)" (encl. 15A-D).

Unusual Occurrence Report

Sgt. Tancredi filed an Unusual Occurrence Report for this incident, but the document was sealed and could not be released by the IAB-CCRB Liaison unit.

CCRB Testimony

Sgt. John Tancredi was interviewed at the CCRB on April 14, 2010 (encl. 16A-C). On August 2, 2009, at approximately 12:15am, the officers were on routine patrol when Sgt Tancredi stopped the vehicle because of a traffic obstruction. At this point, Sgt Tancredi did not recall what was causing the obstruction and did not see § 87(2)(b). PO Thomas and PO Adeleke exited the van and went to investigate. A short while after, PO Walker followed them. Sgt Tancredi remained in the van for several minutes, until he heard yelling, at which time he got out of the vehicle and approached his officers. Sgt Tancredi saw § 87(2)(b) handcuffed with PO Adeleke holding his arm. Sgt Tancredi did not know who had handcuffed § 87(2)(b) or why he had been handcuffed. PO Thomas explained to Sgt. Tancredi that § 87(2)(b) was arrested because he was obstructing pedestrian and vehicular traffic, and would not comply with the officers' commands.

Sgt Tancredi described § 87(2)(b) as irate and "obviously intoxicated", noting that he was boisterous, smelled of alcohol and that his body language, "was a little bit shifty". Sgt. Tancredi recalled § 87(2)(b) saying, "This is fucking bullshit. I didn't do fucking anything wrong." PO Adeleke was engaged in an argument with § 87(2)(b) which he and PO Thomas tried to defuse by intervening verbally. Since § 87(2)(b) was intoxicated and acting disorderly, he believed that it was unsafe to release him with a summons, and verified his arrest based on the information given to him by PO Thomas and PO Adeleke—that § 87(2)(b) had been obstructing traffic and refusing to comply with their orders. Sgt Tancredi instructed PO Adeleke to put § 87(2)(b) in the van, but § 87(2)(b) was resisting PO Adeleke's attempt to put him inside. Sgt. Tancredi heard PO Adeleke state to § 87(2)(b) "Sit the fuck down or I'm gonna punch you in the face" (Sgt. Tancredi acknowledged hearing this upon being asked by the investigator). The two continued to argue until Sgt. Tancredi intervened again, at which time § 87(2)(b) complied with his request to sit in the van.

While § 87(2)(b) was being escorted back to the van, a taxi arrived and § 87(2)(b)'s wife, § 87(2)(b) exited the vehicle. Sgt. Tancredi spoke with her for a moment and informed her that he was transporting § 87(2)(b) to the station house, and that she could meet them there. Sgt Tancredi did not recall seeing any officer frisk or search § 87(2)(b) at the location, or remove any items from his person.

The officers returned to the van and Sgt Tancredi drove them back to the precinct. During the ride to the precinct § 87(2)(b) was still upset and he and PO Adeleke continued to argue. At the precinct, PO Thomas and PO Walker went into the stationhouse. Sgt Tancredi remained outside with PO Adeleke and § 87(2)(b) and attempted to put a stop to the argument between them, but was unable to do so. He ordered PO Adeleke to go into the stationhouse and leave him to talk alone with § 87(2)(b). Sgt Tancredi apologized to § 87(2)(b) for the argument he had with PO Adeleke and § 87(2)(b) calmed down. At some point, § 87(2)(b) asked for the officers' names and shield numbers, and Sgt. Tancredi promised to give him the information after his arrest was processed. After § 87(2)(b)'s arrest was processed, Sgt Tancredi told § 87(2)(b) the names and shield numbers of all the involved officers and also wrote the information down for him. After he gave § 87(2)(b) the names and shield numbers, he asked § 87(2)(b) if he wanted to file a complaint. § 87(2)(b) said he had wanted to make a complaint but he wasn't sure if he still did, and Sgt Tancredi told § 87(2)(b) he would give him some time to think about what he wanted to do and removed the handcuffs and put him in the cell. When § 87(2)(b) arrived at the station house, Sgt. Tancredi and PO Walker provided their names and shield numbers to her as well.

Sgt Tancredi did not see any officers search or grab § 87(2)(b)'s genital or groin area at any point, but he did recall § 87(2)(b) alleging as much inside the station house. Upon being asked by the investigator whether he heard any officer use profanity towards § 87(2)(b), § 87(2)(b) Sgt. Tancredi acknowledged that he heard PO Adeleke say something to the effect of "Shut up, keep your fucking hands behind your back" to § 87(2)(b) at some point.

Witness Officer: PO LAWRENCE THOMAS

- PO Thomas is a § 87(2)(b)-old black male who weighs 185 pounds and has black hair and hazel eyes.

Memo Book

PO Thomas had the following entries in his memo book regarding this incident: "2350- 1 male stopped with PO Adeleke c/o 119th St.-7th Ave. § 87(2)(b) DOB § 87(2)(b) --- was making furtive movement impeding ped traffic. Seemingly intoxicated yelling and making threatening gestures. 0015: 84 28 SH. 0100- Arrest process began. 0330- Deft. § 87(2)(b) (encl. 9A-B).

BADS Arrest Report

The following is a summary of § 87(2)(b)'s arrest report (encl. 9C). § 87(2)(b) was arrested by PO Thomas and charged with § 87(2)(a) 160.50

§ 87(2)(b) The narrative states, "§ 87(2)(a) 160.50
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)."

CCRB Statement

PO Thomas was interviewed at the CCRB on December 23, 2009 (encl. 10A-C). § 87(2)(g)
§ 87(2)(g) PO Thomas stated that the police van was forced to stop after a taxi in front of them had stopped because § 87(2)(b) was standing in the street in front of the cab, directly in the path of oncoming traffic. The decision to stop the van was necessitated by § 87(2)(b) blocking the path of oncoming traffic. PO Thomas then noticed what appeared to be a bulge

under § 87(2)(b)'s shirt, on the right side of his waist in the front of his body. The bulge looked big.

After about 3 minutes of observation, PO Thomas and PO Adeleke got out of the van and approached § 87(2)(b) who stepped onto the sidewalk. § 87(2)(b) started moving backwards while yelling. PO Thomas asked him to show his hands, which were underneath his shirt. It seemed to PO Thomas that § 87(2)(b) was adjusting the object under his shirt. PO Thomas asked § 87(2)(b) to lift his shirt, but § 87(2)(b) did not comply. PO Thomas moved towards § 87(2)(b) and touched the object on his waist, but § 87(2)(b) stepped back and PO Thomas was not sure what it was. PO Thomas smelled liquor on § 87(2)(b)'s breath. For the safety of the pedestrians and the officers, PO Thomas decided to handcuff § 87(2)(b) before trying again to check the bulge under his shirt. PO Thomas further explained that given the time of day and the area being known for grand larceny and robberies, he felt he should handcuff § 87(2)(b). PO Thomas handcuffed § 87(2)(b) and lifted his shirt to check the bulge. The bulge turned out to be a black leather cell phone case with a flip cover. Later in the interview, PO Thomas stated that the officers never actually handcuffed § 87(2)(b) at that time, because when one of the officers (PO Thomas did not recall whom) grabbed § 87(2)(b)'s arm to cuff it, he felt the bulge, realized it wasn't a weapon, and decided not to handcuff him. PO Thomas estimated that there were about 10 bystanders.

§ 87(2)(b) had moved to the sidewalk, and he did not have a weapon, so the officers decided to leave without taking any further action. However, as they were returning to the van, § 87(2)(b) moved back into the street, so the officers decided to arrest him. PO Thomas approached § 87(2)(b) and handcuffed him again. PO Thomas initially stated that Sgt. Tancredi told him to arrest § 87(2)(b). However, PO Thomas later stated that it was his own decision to arrest § 87(2)(b) which he vocalized to Sgt. Tancredi before doing so.

Witness Officer: PO LINDSEY WALKER

- PO Walker is a § 87(2)(b)-old white female who stands 5'7" tall, 160 pounds, and has blonde hair and green eyes.

Memo Book

PO Walker's memo book contained the following entries regarding this incident: "2350: 1 male stopped. c/o 119 & 7th Ave. § 87(2)(b) Furtive movements, impeded traffic, threatening gestures" (encl. 11A-B).

CCRB Testimony

PO Walker was interviewed at the CCRB on February 10, 2010 (encl. 12A-B). § 87(2)(g)

§ 87(2)(b) PO Walker's attention was called to § 87(2)(b) after one of the officers with her pointed him out as he walked down the sidewalk. PO Walker looked at § 87(2)(b) who was about 15 feet away, and saw that he had a "suspicious bulge" on his waist, which he was adjusting. PO Adeleke and PO Thomas exited the van and approached § 87(2)(b) asking him to show his hands. PO Walker exited and remained near the car, and did not interact with § 87(2)(b). § 87(2)(b) remained on the sidewalk, and the officers were in the street, blocking traffic. One of the officers (PO Walker did not recall whom) reached for § 87(2)(b)'s waistband and frisked the area for a weapon, finding only a cell-phone case. One of the officers made the decision to arrest § 87(2)(b) for § 87(2)(b), based on his refusal to comply with the officers' requests, and because he was acting disorderly by yelling, cursing, moving his hands in a threatening manner, and turning his body away from the officers. The officers instructed § 87(2)(b) to put his hands behind his back, but he refused to do so. Those officers (PO Walker did not recall whom, but said

she was not one of them) forcibly pulled § 87(2)(b)'s hands behind his back and placed handcuffs on him. PO Walker did not recall whether § 87(2)(b) was frisked or searched anywhere else, but did not see any officer search in the area of his crotch.

Inside the van, § 87(2)(b) stated that he wanted the name and shield number for each officer. PO Walker replied that he would get that information once he was processed. PO Walker was not sure whether any officer wrote this information down for § 87(2)(b) and stated that no officer responded with that information at that time. PO Walker explained that she did not interpret § 87(2)(b)'s comment as a request for the officers' names and shield numbers, but rather as a threat of some sort. PO Walker did not hear § 87(2)(b) request this information again. At the station house, PO Walker was standing near § 87(2)(b) while he was in front of the desk officer, but did not interact with him because it was not her arrest. She did not see any officer reach into § 87(2)(b)'s pants. § 87(2)(b) arrived at the station house and asked PO Walker for her name and shield number, which PO Walker provided. PO Walker believed that she left the station house thereafter and returned to patrol.

Witness Officer: PO ALEXANDER PIMENTAL

- *PO Alexander Pimentel is a § 87(2)(b)-old Hispanic male who stands 5'11" tall, weighs 160 pounds, and has black hair and brown eyes.*

CCRB Testimony

PO Pimentel was interviewed at the CCRB on January 12, 2010 (encl. 14A-B). PO Pimentel had no recollection of this incident and stated that at the time of the incident he was at the 28th Precinct station house performing arrest processing for two individuals. PO Pimentel had no recollection of seeing § 87(2)(b) inside of the station house.

Officers Not Interviewed

Sgt. Robert Ellington was the desk officer who was on duty when § 87(2)(b) was brought into the precinct. During the course of this investigation, Sgt. Ellington was suspended from duty indefinitely, and could not be scheduled to testify before the CCRB.

NYPD Documents

Command Log

The 28th Precinct Command Log for August 2, 2009 indicates that § 87(2)(b) was intoxicated when brought into the Precinct. § 87(2)(b) was charged with "§ 87(2)(a) 160.50".

Summons/Arrest for Incident and Disposition

[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Status of Civil Proceedings

§ 87(2)(b) has not filed a Notice of Claim with the City of New York as of April 21, 2010, with regard to the incident (encl. 26A).

Civilian(s) Criminal History

[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian(s) CCRB History

- This is the first CCRB complaint filed by [§ 87(2)(b)] (encl. 3A).

Subject Officer(s) CCRB History

- PO Adeleke has been a member of the service for one year, and there are no substantiated CCRB allegations against her.
- Sgt. Tancredi has been a member of the service for ten years, and there are no substantiated CCRB allegations against him.
- PO Walker has been a member of the service for one year, and there are no substantiated CCRB allegations against her (encl. 2A-D).

Conclusion

Identification of Subject Officer(s)

- [§ 87(2)(g)] PO Adeleke acknowledged stopping [§ 87(2)(b)] [§ 87(2)(g)] [§ 87(2)(b)] identified PO Adeleke as the officer who searched him, spoke obscenely towards him and the crowd, threatened him with the use of force, and tightened his handcuffs, [§ 87(2)(g)] [§ 87(2)(g)]
- [§ 87(2)(g)] [§ 87(2)(b)] alleged that PO Walker, Sgt. Tancredi and PO Adeleke refused to provide their names and shield numbers upon request, [§ 87(2)(g)] [§ 87(2)(g)]

Investigative Findings and Recommendations

Allegations Not Pleaded

[§ 87(2)(g)]

Allegation A – Abuse of Authority: PO Taiwo Adeleke stopped [§ 87(2)(b)]

[§ 87(2)(b)] stated that while waiting for [§ 87(2)(b)] PO Adeleke approached him and told him to keep his hands behind his back, as she grabbed his left arm with her left hand and twisted it behind his back. PO Adeleke, PO Thomas, and PO Walker stated that from the van, they saw a bulge on the right side of [§ 87(2)(b)]'s waist, which they believed may have been a weapon. Pursuant to a stop and frisk, this object was discovered to have been a cell-phone case. PO Thomas and PO Adeleke also stated that [§ 87(2)(b)] was in the street blocking traffic, which forced the van to stop and drew his attention to [§ 87(2)(b)] Sgt. Tancredi was unsure why [§ 87(2)(b)] was stopped.

As both [§ 87(2)(b)] and PO Adeleke acknowledged that PO Adeleke grabbed [§ 87(2)(b)] almost immediately after approaching him, her engagement with [§ 87(2)(b)] was determined to be a forcible stop, which escalated into an arrest only based on conduct exhibited by [§ 87(2)(b)] subsequent to the stop. A forcible stop is one in which an individual's liberty of movement is impaired and requires that an officer have reasonable suspicion that a person has committed, or is about to commit, a crime.

According to Kamins, New York Search and Seizure, Sec 2.05[2][e], in the *People v. Calizaire*, the appellate court has held that “The observation of a waistband bulge, alone, is insufficient to establish reasonable suspicion to justify a stop and frisk” (encl. 1A-B). § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation B – Discourtesy: PO Taiwo Adeleke spoke obscenely to § 87(2)(b)

Allegation H – Abuse of Authority: PO Taiwo Adeleke threatened § 87(2)(b) with the use of force.

§ 87(2)(b) alleged that PO Adeleke stated to him, “Shut up, keep your fucking hands behind your back,” and “I’m gonna punch you in the face.” PO Adeleke denied that she made either remark to § 87(2)(b). Sgt. Tancredi, however, confirmed that he heard PO Adeleke state, “Sit the fuck down or I am going to punch you in the face,” and added that § 87(2)(b) and PO Adeleke were engaged in a heated argument for the duration of their interaction. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation C – Abuse of Authority: PO Taiwo Adeleke searched § 87(2)(b)

§ 87(2)(b) alleged that PO Adeleke put her hands inside his pants while searching him, and then removed his wallet from his pants pocket. PO Adeleke stated that she frisked § 87(2)(b)'s waistband, but did not search him, and that she instructed § 87(2)(b) to leave after determining that he was not in possession of a weapon. PO Thomas said that he was the one who frisked § 87(2)(b)'s waistband, and agreed that no search took place. PO Walker stated that she did observe an officer frisk § 87(2)(b) but she could not recall whom. § 87(2)(b) did not witness any officer search or frisk § 87(2)(b).

§ 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

Allegation D – Abuse of Authority: PO Lindsay Walker refused to provide her name and shield number to § 87(2)(b) upon request.

According to § 87(2)(b) he stated to the officers one time in a general manner, “How about I get all of your badge numbers?” § 87(2)(b) alleged that he was never given this information. PO Walker acknowledged hearing this request, but believed it to be a threat of some sort, and did not provide the information to § 87(2)(b).

According to NYPD Patrol Guide Procedure 203-09, officers are required to “Courteously and clearly state your rank, name, shield number and command, or otherwise provide them, to anyone who requests you to do so” (encl. 1C). § 87(2)(g)

§ 87(2)(g)

Allegation E - Abuse of Authority: Sgt. John Tancredi refused to provide his name and shield number to § 87(2)(b) upon request.

As noted above, § 87(2)(b) claimed to have asked all of the officers for their shield numbers, and that he was never given this information. PO Walker acknowledged that she did not hear any offer provide this information to § 87(2)(b). Sgt. Tancredi explained to the investigation that while inside the stationhouse, he personally wrote down the names and shield numbers of the officers involved in the incident and provided the information to § 87(2)(b). However, this was not corroborated by anyone, including § 87(2)(b) and § 87(2)(b).

§ 87(2)(g)

Allegation F - Abuse of Authority: PO Taiwo Adeleke refused to provide her name and shield number to § 87(2)(b) upon request.

According to § 87(2)(b) he stated to the officers one time in a general manner, “How about I get all of your badge numbers?” § 87(2)(b) alleged that he was never given this information. PO Adeleke denied that she was asked for this information. § 87(2)(g)

Allegation G – Discourtesy: PO Taiwo Adeleke spoke obscenely to individuals.

§ 87(2)(b) alleged that PO Adeleke stated to crowd of onlookers, “Get the fuck back.” This was not corroborated by § 87(2)(b) or any other officer. PO Adeleke denied doing so. § 87(2)(g)

Allegation I – Abuse of Authority: PO Adeleke tightly handcuffed § 87(2)(b)

§ 87(2)(b) alleged that while walking into the station house, PO Adeleke tightened his handcuffs, causing his wrists to bleed. PO Adeleke denied doing so, and PO Thomas, PO Walker and Sgt. Tancredi denied seeing PO Adeleke do so. § 87(2)(b) was unable to produce any evidence or documentation to support his claim. Additionally, the Pre-Arraignment Screening Form (encl. 17A) documents no injuries, and § 87(2)(b) did not mention seeing any injuries when she arrived at the station house. § 87(2)(g)

Team: _____

Investigator:	_____	_____	_____
	Signature	Print	Date

Supervisor:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date